

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER CLARK and JAMES)	Civil No. 08cv0500 JM(RBB)
RENICK, individuals,)	
)	CASE MANAGEMENT CONFERENCE
Plaintiffs,)	ORDER REGULATING DISCOVERY AND
)	OTHER PRETRIAL PROCEEDINGS
v.)	
)	(Rule 16, Fed.R.Civ.P.)
CHASE HOME FINANCE, LLC, a)	(Local Rule 16.1)
Delaware LLC doing business in)	
California; CHASE MANHATTAN)	
MORTGAGE CORPORATION, a New)	
Jersey corporation doing)	
business in California; JAMES)	
BOUDREAU, an individual; DOES)	
1-25,)	
)	
Defendants.)	
)	

Pursuant to rule 16 of the Federal Rules of Civil Procedure, a case management conference was held on August 20, 2008. After consulting with the attorneys of record for the parties and being advised of the status of the case, and good cause appearing,

IT IS HEREBY ORDERED:

1. All discovery shall be completed by all parties on or before June 15, 2009. All motions for discovery shall be filed no later than thirty (30) days following the date upon which the event

1 giving rise to the discovery dispute occurred. For oral discovery,
2 the event giving rise to the discovery dispute is the completion of
3 the transcript of the affected portion of the deposition. For
4 written discovery, the event giving rise to the discovery dispute
5 is the service of the response. All interrogatories and document
6 production requests must be served by April 20, 2009.

7 2. Plaintiff(s) shall serve on all other parties a list of
8 expert witnesses whom Plaintiff(s) expect(s) to call at trial by
9 April 20, 2009. Defendant(s) shall serve on Plaintiff(s) a list of
10 expert witnesses Defendant(s) expect(s) to call at trial by May 18,
11 2009. Each party may supplement its designation in response to the
12 other party's designation no later than June 1, 2009. The parties
13 must identify any person who may be used to present evidence
14 pursuant to Rules 702, 703 or 705 of the Federal Rules of Evidence.
15 This requirement is not limited to retained experts. The
16 designation(s) shall comply with rule 26(a)(2) of the Federal Rules
17 of Civil Procedure and be accompanied by a written report prepared
18 and signed by each witness, including in-house or other witnesses
19 providing expert testimony. If a party does not intend to offer
20 expert opinion at the trial, the party shall provide a statement
21 that it does not presently intend to offer the testimony of any
22 expert witness. A written report is not required from a witness
23 giving testimony as a percipient expert.

24 On receipt of an expert designation from a party, any other
25 party may take the deposition of any person on the list.

26 A party that fails to make these disclosures shall not, absent
27 substantial justification, be permitted to use this evidence at any
28 hearing or at the time of trial. Opinions and reasons for opinions

1 not disclosed during depositions or in reports are subject to
2 exclusion absent substantial justification. In addition, the Court
3 may impose other sanctions as permitted by Fed. R. Civ. P. 37(c).

4 3. Any motion to join other parties, to amend the pleadings
5 or to file additional pleadings shall be filed and heard on or
6 before March 23, 2009.

7 4. All other pretrial motions must be filed on or before
8 July 17, 2009. Please be advised that counsel for the moving party
9 must obtain a motion hearing date from the law clerk of the judge
10 who will hear the motion. Be further advised that the period of
11 time between the date you request a motion date and the hearing
12 date may vary from one district judge to another. Please plan
13 accordingly. For example, you may need to contact the judge's law
14 clerk in advance of the motion cutoff to calendar the motion.
15 Failure to timely request a motion date may result in the motion
16 not being heard.

17 Questions regarding this case should be directed to the
18 judge's law clerk. The Court draws the parties' attention to Local
19 Rule 7.1(e)(4) which requires that the parties allot additional
20 time for service of motion papers by mail. Papers not complying
21 with this rule shall not be accepted for filing.

22 Briefs or memoranda in support of or in opposition to any
23 pending motion shall not exceed twenty-five (25) pages in length
24 without leave of the judge who will hear the motion. No reply
25 memorandum shall exceed ten (10) pages without leave of the judge
26 who will hear the motion.

27 5. Further settlement conferences shall be held at
28 appropriate intervals during the course of the litigation in the

1 chambers of Judge Ruben B. Brooks. A further telephonic settlement
2 conference shall be held on November 18, 2008, at 8:30 a.m. A
3 mandatory settlement conference date will be set at one of the
4 scheduled settlement conferences.

5 All parties, claims adjusters for insured Defendants and non-
6 lawyer representatives with complete authority to enter into a
7 binding settlement, as well as the principal attorneys responsible
8 for the litigation, must be present and legally and factually
9 prepared to discuss and resolve the case at the mandatory
10 settlement conference and at all settlement conferences. Retained
11 outside corporate counsel shall not appear on behalf of a
12 corporation as the party representative who has the authority to
13 negotiate and enter into a settlement. Failure to attend or obtain
14 proper excuse will be considered grounds for sanctions.

15 If Plaintiff is incarcerated in a penal institution or other
16 facility, the Plaintiff's presence is not required at conferences
17 before Judge Brooks, and the Plaintiff may participate by
18 telephone. In that case, defense counsel is to coordinate the
19 Plaintiff's appearance by telephone.

20 **Confidential written settlement statements for the mandatory**
21 **settlement conference shall be lodged directly in the chambers of**
22 **Judge Brooks no later than (five court days before the mandatory**
23 **settlement conference).** The statements need not be filed with the
24 Clerk of the Court or served on opposing counsel. The statements
25 will not become part of the court file and will be returned at the
26 end of the conference upon request. Written statements may be
27 lodged with Judge Brooks either by mail or in person.

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1 Any statement submitted should avoid arguing the case.
2 Instead, the statement should include a neutral factual statement
3 of the case, identify controlling legal issues, and concisely set
4 out issues of liability and damages, including any settlement
5 demands and offers to date and address special and general damages
6 where applicable.

7 If appropriate, the Court will consider the use of other
8 alternative dispute resolution techniques.

9 6. Counsel shall serve on each other and file with the Clerk
10 of the Court their memoranda of contentions of fact and law in
11 compliance with Local Rule 16.1(f)(2) on or before October 29,
12 2009. On or before this date, all parties or their counsel shall
13 also fully comply with the pretrial disclosure requirements of rule
14 26(a)(3) of the Federal Rules of Civil Procedure.

15 7. Counsel shall confer and take the action required by
16 Local Rule 16.1(f)(4) on or before November 3, 2009. A personal
17 meeting between an incarcerated Plaintiff, acting in pro per, and
18 defense counsel is not required.

19 At this meeting, counsel shall discuss and attempt to enter
20 into stipulations and agreements resulting in simplification of the
21 triable issues. Counsel shall exchange copies and/or display all
22 exhibits other than those to be used for impeachment, lists of
23 witnesses and their addresses including experts who will be called
24 to testify and written contentions of applicable facts and law.
25 The exhibits shall be prepared in accordance with Local Rule
26 16.1(f)(2)(c). Counsel shall cooperate in the preparation of the
27 proposed final pretrial conference order.

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1 8. The proposed final pretrial conference order, including
2 objections to any party's Fed. R. Civ. P. 26(a)(3) pretrial
3 disclosures, shall be prepared, served and lodged with the Clerk of
4 the Court on or before November 6, 2009, and shall be in the form
5 prescribed in and in compliance with Local Rule 16.1(f)(6).
6 Counsel shall also bring a court copy of the pretrial order to the
7 pretrial conference.

8 9. The final pretrial conference shall be held before the
9 Honorable Jeffrey T. Miller, United States District Judge, on
10 November 13, 2009, at 8:30 a.m. Trial shall begin on December 14,
11 2009, at 10:00 a.m.

12 10. The dates and times set forth herein will not be modified
13 except for good cause shown.

14 11. Plaintiff's(s') counsel shall serve a copy of this order
15 on all parties that enter this case hereafter.

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17 Dated: August 20, 2008


RUBEN B. BROOKS
United States Magistrate Judge

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19 cc: All Parties of Record
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CASE RESOLUTION GUIDELINES

Attendance

All parties and claims adjusters for insured Defendants and representatives with complete authority to enter into a binding settlement, as well as the principal attorney(s) responsible for the litigation, must be present and legally and factually prepared to discuss and resolve the case. Failure to attend or obtain proper excuse will be considered grounds for sanctions.

Case Resolution Conference Briefs

Written statements, when specifically requested, shall be lodged in the chambers of Judge Brooks no later than five court days before the scheduled conference. The statements will not become part of the court file. Written statements may be submitted on a confidential basis and lodged with Judge Brooks either by mail or in person.

Any statement submitted should avoid arguing the case. Instead the statement should include a neutral factual statement of the case and concisely set out issues of liability and damages, including any settlement demands and offers to date, and address special and general damages where applicable.

If appropriate, the court will consider the use of other alternative dispute resolution techniques.

If you have any further questions, please feel free to contact my research attorney, at (619) 557-3404.